

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 78
WEDNESDAY, 12 SEPTEMBER 2018

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Petition

Hon Robin Chapple presented a petition from 8 petitioners requesting the Legislative Council to inquire into the conduct of the City of Melville and the adequacy of building legislation. (Tabled Paper 1766).

3. Ministerial Statement — Statutory Review of the Teacher Registration Act 2012

The Minister for Education and Training made a Ministerial Statement with respect to the statutory review of the *Teacher Registration Act 2012*.

The Minister for Education and Training tabled the *Statutory Review of the Teacher Registration Act 2012*. (Tabled Paper 1767).

4. Ministerial Statement — Renewable Hydrogen Opportunities

The Minister for Regional Development made a Ministerial Statement with respect to Western Australia's potential to export globally significant amounts of renewable hydrogen.

5. Papers

The following Papers were laid on the Table by —

Minister for Environment

Annual Reports —

Building Management Authority (2017–2018) (Date received 11/09/2018) 1753

Police Western Australia — Misuse of Drugs Act 1981 (part 4A) (2016–2017)
(Date received 11/09/2018) 1754

Police Western Australia — Misuse of Drugs Act 1981 (part 4A) (2017–2018)
(Date received 11/09/2018) 1755

Rule Change Activities (2017–2018) (Date received 11/09/2018) 1756

State Supply Commission (2017–2018) (Date received 11/09/2018) 1757

Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Police
and Road Safety in relation to questions prior to the Legislative Council
Standing Committee on Estimates and Financial Operations 2018–2019 Budget
Estimates Hearings asked by the Hon Martin Aldridge 1758

Proposals —

Land Administration Act 1997 — Cancellation of Class A Reserve No. 51046	1759
Land Administration Act 1997 — Submission No. 1/2018 — Excision of land from Class A Reserve No. 31880.....	1760

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Electricity Generation and Retail Corporation Independent Auditor's Report (2018).....	1761
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Landgate — Statement of Corporate Intent (2018–2019).....	1763
Pilbara Ports Authority — Statement of Corporate Intent (2018–2019).....	1764

Minister for Regional Development*Notices —*

Financial Management Act 2006 (section 82) — Notice from the Minister for Regional Development in relation to questions prior to the Legislative Council Standing Committee on Estimates and Financial Operations 2018–2019 Budget Estimates Hearings asked by the Hon Martin Aldridge (AgLime Routes)	1765
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6. Standing Committee on Uniform Legislation and Statutes Review — Report No. 116 — Fair Trading Amendment Bill 2018 — Extension of Time

Hon Michael Mischin presented Report No. 116 of the Standing Committee on Uniform Legislation and Statutes Review, *Fair Trading Amendment Bill 2018 — Extension of Time*. (Tabled Paper 1768).

Hon Michael Mischin moved, without notice —

That the reporting date for the Standing Committee on Uniform Legislation and Statutes Review inquiry into the *Fair Trading Amendment Bill 2018* be extended from 18 September 2018 to 20 November 2018.

Hon Michael Mischin sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

Debate stands adjourned to a later stage of this day's sitting.

7. Select Committee into alternate approaches to reducing illicit drug use and its effects on the community — Amendment to Notice of Motion

Hon Alison Xamon, pursuant to Standing Order 62(a), amended Motion No. 3 to read as follows —

- (1) A Select Committee examining alternate approaches to reducing illicit drug use and its effects on the community is established.
- (2) The Select Committee is to inquire into and report on —
 - (a) other Australian state jurisdictions and international approaches (including Portugal) to reducing harm from illicit drug use, including the relative weighting given to enforcement, health and social interventions;
 - (b) a comparison of effectiveness and cost to the community of drug related laws between Western Australia and other jurisdictions;
 - (c) the applicability of alternate approaches to minimising harms from illicit drug use from other jurisdictions to the Western Australian context; and
 - (d) consider any other relevant matter.
- (3) The Select Committee is to report no later than twelve months after the motion is agreed to.
- (4) The Select Committee shall consist of five members; Hon Alison Xamon (Chair); Hon Colin de Grussa; Hon Michael Mischin, Hon Samantha Rowe (Deputy Chair) and Hon Aaron Stonehouse.

8. Tax Incentives for Regional Businesses

Motion No. 1 having been called, debate resumed on the motion of Hon Robin Scott as follows —

That as an incentive for Western Australians to expand and operate businesses in the productive remote areas of Western Australia, this House calls upon the Government of Western Australia to —

- (a) halve payroll taxes from 5.5% to 2.75% for businesses with less than 100 employees operating in Zone B as defined by the Australian Taxation Office in the Australian Zone list for Western Australia; and
- (b) eliminate payroll tax for businesses with less than 100 employees operating in Zone A as defined by the Australian Taxation Office in the Australian Zone list for Western Australia.

Question — put and negatived.

9. Standing Order 6(3) — Referral to the Standing Committee on Procedure and Privileges

Motion No. 2 having been called, Hon Martin Aldridge, pursuant to notice, moved —

- A. That a proposed amendment to Standing Order 6(3) be considered by the House in the following terms —
 - (3) When the Council is adjourned the President:
 - (a) may on the request of the Leader of the House and after consultation with the leaders of all parties vary the day and time at which the Council may next meet; or
 - (b) shall, at the written request of an absolute majority of the whole number of Members that the Council meet at a certain day and time, fix a day and time of meeting in accordance with that request.
 - (4) When varying or fixing a day and time of meeting not less than 4 days' notice shall be given to each Member.
 - (5) For the purposes of (3)(b):
 - (a) A request by the leader or deputy leader of a party in the Council shall be deemed to be a request by every member of that party who is a member of the Council.
 - (b) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President.
 - (c) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Deputy Chairs of Committees, who shall be required to summon the Council on behalf of the President, in accordance with this temporary order.
- B. That the proposed amendment is referred to the Standing Committee on Procedure and Privileges for consideration and report within three months.

Debate ensued.

Interruption pursuant to order.

10. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Simon O'Brien in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 7 — Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms

Hon Alison Xamon moved, That consideration be postponed until the next sitting.

Joint Select Committee on End of Life Choices — Report No. 1 — My Life, My Choice

Debate resumed on the motion of Hon Colin Holt, That the Report be noted.

Interruption pursuant to order.

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report No. 7 — *Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms* and postponed consideration to the next sitting.
- (2) Joint Select Committee on End of Life Choices — Report No. 1 — *My Life, My Choice*, made progress and seeks to sit again.

Report adopted.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1520 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1507 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Leader of the House representing the Minister for Sport and Recreation; Seniors and Ageing; Volunteering, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1513 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts tabled information in relation to Voluntary Targeted Separation Scheme separations for each agency under the Ministers portfolio, in response to a question without notice 1515 asked by Hon Tjorn Sibma. (Tabled Paper 1769).

The Leader of the House representing the Minister for Public Sector Management tabled the *Western Australia Public Sector Quarterly Workforce Report (June 2016 and June 2017)*, in response to question on notice No. 1565 asked by Hon Tjorn Sibma. (Tabled Paper 1770).

The Minister for Environment tabled the *Assessment of the hazard that the Hisstory bait for feral cats presents to a non-target species; northern quoll*, in response to question on notice No. 1503 asked by Hon Robin Chapple. (Tabled Paper 1771).

The Minister for Environment tabled an extract from the *Nature Map Species Report* in relation to species and ecosystems listed under State and Federal legislation for Lake Gregory, in response to question on notice No. 1504 asked by Hon Robin Chapple. (Tabled Paper 1772).

The Minister for Environment tabled the *2016-2017 Australian Plastics Recycling Survey Western Australia State Data Report*, in response to question on notice No. 1574 asked by Hon Dr Steve Thomas. (Tabled Paper 1773).

The Minister for Environment representing the Minister for Emergency Services; Corrective Services, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1516 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Minister for Environment representing the Minister for Housing; Veterans Issues; Youth, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1508 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Minister for Environment representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1509 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 1479 and 1482, asked by Hon Alison Xamon will be provided on 18 September 2018.

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 1518 and 1536 asked by Hon Tjorn Sibma will be provided on 18 September 2018.

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 1566, 1567, 1568 and 1569 asked by Hon Martin Aldridge will be provided on 18 September 2018.

The Minister for Regional Development representing the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement tabled information in relation to Voluntary Targeted Separation Scheme separations for each agency under the Minister's portfolio, in response to question on notice No. 1510 asked by Hon Tjorn Sibma. (Tabled Paper 1774).

The Minister for Regional Development, Agriculture and Food, Minister Assisting the Minister for State Development, Jobs and Trade tabled information in relation to Voluntary Targeted Separation Scheme separations for each agency under the Minister's portfolio, in response to question on notice No. 1517 asked by Hon Tjorn Sibma. (Tabled Paper 1775).

The Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1524 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Minister for Regional Development representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1511 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1521 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1539 asked by Hon Tjorn Sibma will be provided on 18 September 2018.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1476 asked by Hon Alison Xamon will be provided on 13 September 2018.

12. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Northam Cemeteries Amendment Local Law 2017 — Disallowance*, 2, *Shire of Toodyay Health Local Law 2017 — Disallowance*, 3, *Environmental Protection Amendment Regulations 2018 — Disallowance*, 4, *City of Karratha Fencing Local Law 2018 — Disallowance*, 5, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 6, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 7, *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance*, 8, *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018 — Disallowance*, 9, *City of Karratha Standing Orders Local Law 2018 — Disallowance*, 10, *Health Services (Information) Amendment Regulations 2018 — Disallowance*, 11, *Metropolitan Region Scheme Major Amendment 1308/41 — Disallowance*, 12, *Jetties Amendment Regulations (No. 2) 2018 — Disallowance*, and 13, *Shire of Dundas Standing Orders Local Law 2018 — Disallowance*, be taken after Order of the Day No. 24, *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*. (Leader of the House).

13. Animal Welfare Amendment Bill 2017

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question — put and passed.

Bill read a second time.

Ordered — That consideration of the Bill, in Committee of the Whole House, be made an Order of the Day for the next sitting.

14. Order of Business

Ordered — That Order of the Day No. 1, *Shire of Northam Cemeteries Amendment Local Law 2017 — Disallowance*, be taken forthwith. (Leader of the House).

15. Shire of Northam Cemeteries Amendment Local Law 2017 — Disallowance

The Order of the Day having been called for the motion of Hon Martin Pritchard moved *pro forma* as follows —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Northam Cemeteries Amendment Local Law 2017* published in the *Gazette* on 12 December 2017 and tabled in the Legislative Council on 13 March 2018 under the *Cemeteries Act 1986* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1022).

Debate ensued.

Question — put and passed.

16. Order of Business

Ordered — That Order of the Day No. 2, *Shire of Toodyay Health Local Law 2017 — Disallowance*, be taken forthwith. (Leader of the House).

17. Shire of Toodyay Health Local Law 2017 — Disallowance

The Order of the Day having been called for the motion of Hon Martin Pritchard moved *pro forma* as follows —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Toodyay Health Local Law 2017* published in the *Gazette* on 22 December 2017 and tabled in the Legislative Council on 13 March 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1025).

Debate ensued.

Hon Robin Chapple moved, without notice —

To insert after “Delegated Legislation” —

Part 4 Division 2 and Schedule 13 items 12 to 18 of

Debate ensued.

Amendment — put and passed.

Question, as amended — put and passed.

18. Order of Business

Ordered — That Order of the Day, *Standing Committee on Uniform Legislation and Statutes Review — Report No. 116 — Fair Trading Amendment Bill 2018 — Extension of Time*, be taken forthwith. (Leader of the House).

19. Standing Committee on Uniform Legislation and Statutes Review — Report No. 116 — Fair Trading Amendment Bill 2018 — Extension of Time

The Order of the Day having been called for the adjourned debate on the motion of Hon Michael Mischin as follows —

That the reporting date for the Standing Committee on Uniform Legislation and Statutes Review inquiry into the *Fair Trading Amendment Bill 2018* be extended from 18 September 2018 to 20 November 2018.

Debate ensued.

Question — put and passed.

20. Public and Health Sector Legislation Amendment (Right of Return) Bill 2018

The President reported the receipt of Message No. 80 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Public Sector Management moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Public Sector Management moved, That the Bill be read a second time.

The Leader of the House representing the Minister for Public Sector Management tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1776).

Debate stands adjourned.

21. Suitors' Fund Amendment Bill 2017

The President reported the receipt of Message No. 82 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1777).

Debate stands adjourned.

22. Members' Statements

Statements were taken.

23. Suitors' Fund Amendment (Levy) Bill 2017

The President reported the receipt of Message No. 83 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1778).

Debate stands adjourned.

24. Heritage Bill 2017

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 85

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Heritage Bill 2017*.

Hon P.B. Watson

Speaker

Legislative Assembly Chamber

Perth, 12 September 2018

25. Adjournment

The Council adjourned at 6.40pm until Thursday, 13 September 2018 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Laurie Graham and Hon Samantha Rowe.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council